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COMMENTS

The Usufructuary's Obligation to Preserve the Property

Perhaps in the eyes of many, the institution of usufruct is a tottering relic of the Roman law past which serves only to fetter full enjoyment of property and to clutter the law of Louisiana with uncertainty. Nevertheless, the institution of usufruct is very much a part of Louisiana law. By operation of law, the surviving spouse enjoys usufruct over the decedent's half of the community where he has died intestate;¹ parents are entitled to usufruct of the minor's estate in certain instances;² moreover, recent interpretations of the Louisiana Trust Estates Act³ serve

1. LA. CIVIL CODE art. 916 (1870).

2. *Id.* art. 223. See Note, 22 LOUISIANA LAW REVIEW 889 (1962).

3. LA. R.S. 9:1791 (1950).